

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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GASPAR REYES and RUBEN BONILLA,
*individually and on behalf of others similarly
situated,*

15-CV-238 (LGS)

Plaintiffs,

-against-

**DECLARATION IN SUPPORT
OF REQUEST FOR ENTRY
OF JUDGMENT**

HIP AT MURRAY STREET, LLC (d/b/a
HARRY'S ITALIAN PIZZA), JMP
VENTURES, LLC (d/b/a HARRY'S
ITALIAN PIZZA), PAUL LAMAS, PETER
POULAKAKOS, DANIEL MCDONALD,
MICHAEL JEWELL, DOMINICK
ANTONELLI, GARY EGGERS, ROBERT
LUCKEY, RAYMOND O'SULLIVAN,
VICTOR WRIGHT, ROBERT PADALA and
HARRY POULAKAKOS,

Defendants.
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Defendant shall file a letter by April 3, 2020, in
response to Plaintiff's request for entry of
judgment. The letter shall not exceed five pages,
single-spaced. The Court will enter judgment if
Defendant fails to respond.

SO ORDERED.

Dated: March 27, 2020
New York, New York


LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE

I, MICHAEL FAILLACE, declare and affirm under the penalty of perjury:

1. I am the attorney for Plaintiffs GASPAR REYES and RUBEN BONILLA ("Plaintiffs") in the above entitled action, am a member of the Bar of the State of New York and duly admitted to practice before this Court.
2. I make this declaration in support of Plaintiffs' request to enter a Judgment, on the basis of my familiarity with the facts and circumstances of the case, the records, papers and pleadings, my investigation into the matter and upon information and belief.
3. Plaintiff's complaint in this action was filed on January 13, 2015. See ECF No. 1. Defendants through their attorney Wayne Kreger, Esq., filed their Answer to Plaintiff's complaint on June 29, 2015.
4. After extensive negotiations, Plaintiffs and Defendants entered into a settlement agreement (the "Agreement"). A true and correct copy of the Settlement Agreement is annexed hereto as Exhibit A.
5. On or about December 18, 2015, the parties submitted a settlement agreement which after revision was approved by the Court on January 19, 2016. ECF No.'s 58 and 62.

6. The Settlement Agreement required Defendants to pay Plaintiffs \$20,000.00 in a lump sum payment.

7. Paragraph 9 of the Settlement Agreement provides,

“9. Governing Law: This Agreement shall be governed by, and interpreted in accordance with, the laws of the State of New York, excluding the conflict-of-laws principles thereof. The parties consent and stipulate to the personal jurisdiction of the United States District Court for the Southern District of New York and the Supreme Court of the State of New York in any subsequent proceeding to enforce this Agreement.”

8. Plaintiffs have not received any payment under this agreement.

9. Defendants’ failure to make the settlement installment payments to Plaintiffs constitutes a default under the Agreement.

10. Per the term of the Agreement, Plaintiffs provided Defendants and their counsel with notice of default of the Agreement on September 1, 2017. A true copy of the default letter is annexed hereto as Exhibit B. A true copy of the fax transmission sheet is attached hereto as Exhibit C. A true copy of the Mailing envelope is attached hereto as Exhibit D.

11. Defendants have not cured the default.

12. Based on the foregoing, I kindly request on behalf of Plaintiff that this Honorable Court enter judgement in favor of Plaintiffs GASPAR REYES and RUBEN BONILLA and against the Defendants GASPAR REYES and RUBEN BONILLA (“Plaintiffs”) against HIP AT MURRAY STREET, LLC (d/b/a HARRY’S ITALIAN PIZZA), JMP VENTURES, LLC (d/b/a HARRY’S ITALIAN PIZZA), PAUL LAMAS, PETER POULAKAKOS, DANIEL MCDONALD, MICHAEL JEWELL, DOMINICK ANTONELLI, GARY EGGERS, ROBERT LUCKEY, RAYMOND O’SULLIVAN, VICTOR WRIGHT, ROBERT PADALA and HARRY POULAKAKOS in the amount of Twenty Thousand Dollars and Zero Cents (\$20,000.00).

13. A proposed judgment is annexed hereto.

14. I declare pursuant to 28 U.S.C. § 1746 under penalty of perjury that the foregoing is true and correct to the best of my knowledge and understanding.

Dated: New York, New York
March 23, 2020

Respectfully submitted,

By: /s/ Michael Faillace
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